

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Larry Peters, P.E., Town Engineer (954)797-1113

**SUBJECT:** Ordinance

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, RELEASING AND VACATING AND ABANDONING DRAINAGE EASEMENT FOR COLLEGE AVENUE AND REPEALING ORDINANCE NO. 86-50 ACCEPTING THE DEDICATION OF CERTAIN LANDS TO THE PUBLIC USE FROM HAMILTON C. FORMAN, TRUSTEE, AND MILES AUSTIN FORMAN, TRUSTEE; AND PROVIDING AND EFFECTIVE DATE.

**REPORT IN BRIEF:**

An easement was granted to the Town of Davie by Forman in 1986 in order to provide drainage from College Avenue to a "Rock-Pit" east of College Avenue and north of Nova Drive. The "Rock-Pit" has since been filled and alternate drainage for College Avenue provided, thus eliminating the need for this easement.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** Town Attorney

**FISCAL IMPACT:**

Has request been budgeted? N/A

Additional Comments:

**RECOMMENDATION(S):** Motion to Approved Ordinance

**Attachment(s):** Ordinance

ORDINANCE \_\_\_\_\_

AN ORDINANCE  
ABANDONING DRAINAGE EASEMENT FOR COLLEGE AVENUE AND REPEALING  
ORDINANCE NO.  
PUBLIC USE  
TRUSTEE; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, Hamilton C. Forman, Trustee, and Miles Austin Forman, Trustee, by Drainage Easement dated the 12th day of September, 1986, dedicated certain lands to the Town of Davie for a drainage easement to discharge to a watercourse, run-off from the right-of-way of College Avenue over and across and through the property described on the attached Exhibit "A"; and (hereafter "the Drainage Easement"); and

WHEREAS, by Ordinance No. 86-50 ("the Ordinance"), the Town of Davie accepted such grant of Drainage Easement and the Drainage Easement and Ordinance were recorded in Official Records Book 13897, at Page 9 of the Public Records of Broward County, Florida; and

WHEREAS, the means, drains College Avenue to the South and West; and

WHEREAS, because the Town of Davie has alternative means to drain College Avenue, it no longer has need of the Drainage Easement; and

WHEREAS, through their representative, Hamilton C. Forman and Miles Austin Forman, as Trustees, have requested the Town of Davie to release, vacate and abandon the Drainage Easement. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby repeal Ordinance No. 86-50, and the Di vacated and abandoned.

SECTION . This ordinance shall take effect immediately upon its passage and adoption.  
PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002  
PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002



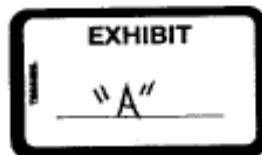
September 10, 1986

DESCRIPTION OF  
DRAINAGE EASEMENT

A portion of Tract 4 in Tier 33, and a portion of Tract 4 in Tier 35, and a portion of Tract 4 in Tier 37, together with a portion of the 30 foot vacated roadway lying between said Tiers 33 and 35, all according to the plat of "JOHN W. NEWMAN'S SURVEY" as recorded in Plat Book 2, page 26, of the public records of Dade County, Florida, all being described more particularly as follows:

Commencing at the southwest corner of said Tract 4 in Tier 37; thence, S.75°13'28"E. along the southerly line of said Tract 4, a distance of 280.00 feet to the POINT OF BEGINNING; thence, continue S.75°13'28"E. along the southerly line of said Tracts and their extensions 1220.00 feet; thence, N.14°46'32"E. 300.00 feet; thence, N.75°13'28"W. 300.00 feet to the easterly line of said 30 foot roadway; thence, S.14°46'32"W. along said easterly line 285.00 feet to a line that is 15.00 feet northerly of and parallel with the southerly line of said Tracts; thence, N.75°13'28"W. along said parallel line 919.10 feet; thence, N.68°22'54"W. 100.72 feet; thence, N.75°13'28"W. 130.90 feet; thence, S.30°13'28"E. 21.21 feet; thence, S.75°13'28"E. 115.00 feet; thence, S.68°22'54"E. 100.72 feet to the POINT OF BEGINNING. Said lands situate, lying and being in Broward County, Florida.

Sheet 1 of 2



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Description: Broward, FL Document-Book Page 13897.9 Page: 4 of 5 - Order: c Comment:

86432183

ORDINANCE NO. 86-50

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,  
ACCEPTING A DRAINAGE EASEMENT FOR PUBLIC USE  
FROM HAMILTON C. FORMAN, TRUSTEE AND MILES  
AUSTIN FORMAN, TRUSTEE; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, Hamilton C. Forman, Trustee and Miles Austin  
Forman, Trustee, wish to dedicate to the public certain lands for  
public drainage and in furtherance thereof has tendered a Drainage  
Easement to the Town of Davie.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF DAVIE, FLORIDA:

SECTION 1. The grant made by Drainage Easement dated  
September 12, 1986, a copy of which is attached hereto as Exhibit  
"A", is hereby accepted by the Town of Davie.

SECTION 2. This Ordinance shall take effect immediately  
upon its passage and adoption.

PASSED ON FIRST READING THIS 16<sup>th</sup> DAY OF October, 1986.

PASSED ON SECOND READING THIS 5<sup>th</sup> DAY OF November, 1986.

\_\_\_\_\_  
Mayor/Councilman

Attest:

William McManis  
Town Clerk

APPROVED THIS 5<sup>th</sup> DAY OF November, 1986.

O/861007

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DRAINAGE EASEMENT

This Drainage Easement granted this 12<sup>th</sup> day of September 1986 by Herman C. Furman, Trustee and Miles Anita Furman Trustee hereinafter called First Party, to the TOWN OF DAVIE, a Municipal Corporation, Broward County, Florida, ~~a Political Subdivision of the State of Florida~~ whose address is 6591 S.W. 45th Street, Davie, Florida, hereinafter called the Town of Davie.

## WITNESSETH:

That the said First Party for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by the Town of Davie, the receipt whereof is hereby acknowledged, does hereby grant and convey to the Town of Davie, its successors and assigns a drainage easement to discharge through a water course, runoff from the right of way of College Avenue over and across and through the following described property of the First Party:

See Attached Description of  
Drainage Easement and Sketch  
of same, Exhibit "A", Sheets  
1 and 2.

Together with free ingress, egress and regress across said lands for the purpose of cleaning, maintaining and repairing said water course.

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IN WITNESS WHEREOF, we have hereunto set our hands and  
seals the day and year first above written.

Witnesses:

Margaret A. White  
Paul H. Cunningham  
Margaret A. White  
Paul H. Cunningham

Paul H. Cunningham  
Ind. or as Trustee

Margaret A. White  
Ind. or as Trustee

STATE OF FLORIDA )  
COUNTY OF BROWARD ) SS

I HEREBY CERTIFY that on this day before me, an officer  
duly qualified to take acknowledgements, personally appeared \_\_\_\_\_  
William C. German & Michael A. German  
to me known to be the person described in and who executed the  
foregoing instrument and acknowledged before me that he executed  
the same.

WITNESS my hand and seal in the County and State last afore-  
said this 12<sup>th</sup> day of September, 1986.

Margaret A. White  
Notary Public

Commission Expires:

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Produced Pursuant to  
a Court Order in Case No.  
01-10000-00000-00000  
Pursuant to the Order

*mf*

*St*



September 10, 1986

# DESCRIPTION OF DRAINAGE EASEMENT

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Sheet 1 of 2

Exhibit "A"

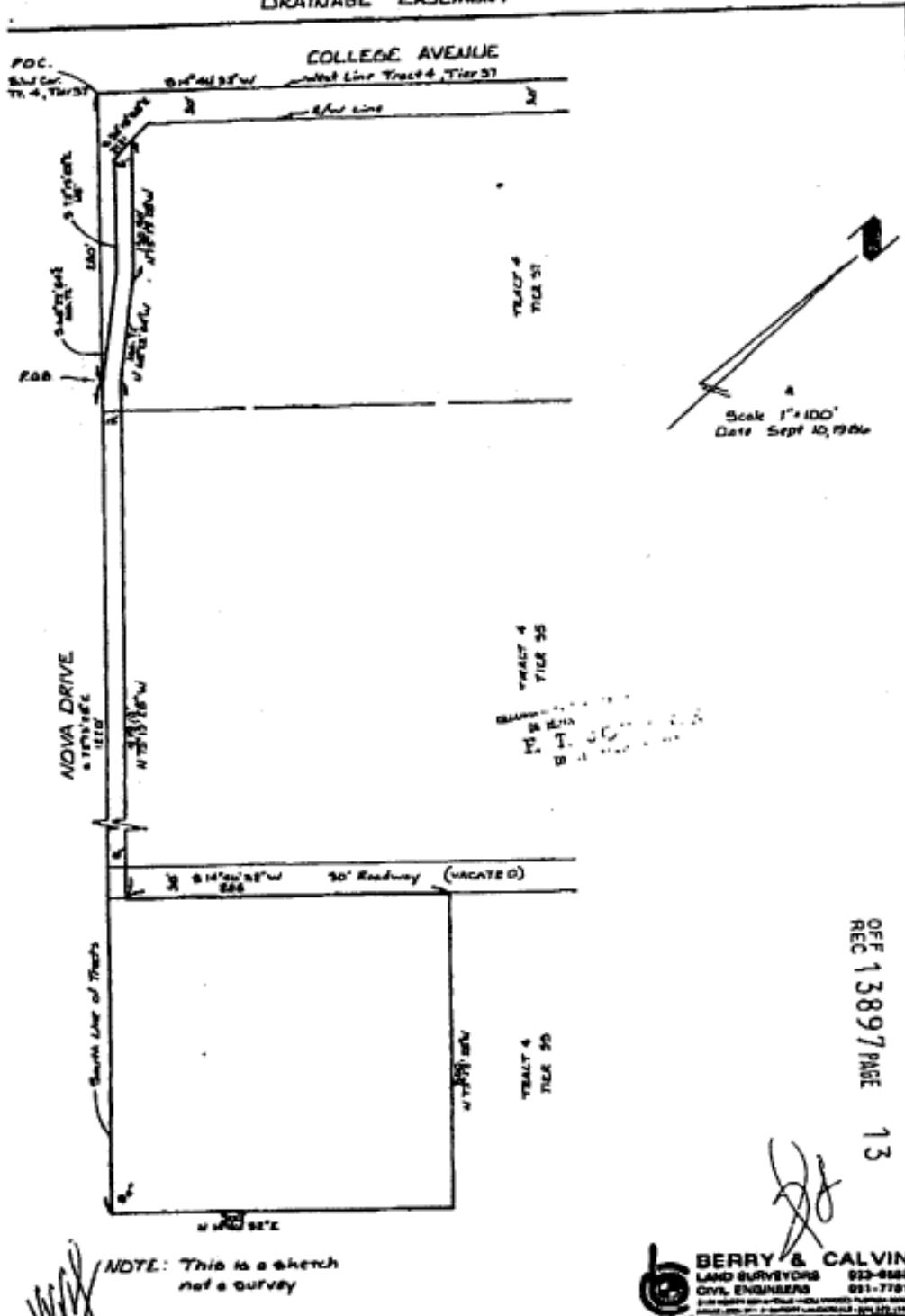
ESTABLISHED 1937

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# SKETCH DRAINAGE EASEMENT



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Exhibit "A"

SHEET 2 OF 2

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